
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	MEMORANDUM DECISION AND
	:	ORDER DENYING [32] MOTION FOR
Plaintiff,	:	BILL OF PARTICULARS
	:	
-vs-	:	Case No. 2:17-CR-00412-DN
	:	
LUIS GERARDO RAMIREZ-SANTOS,	:	District Judge David Nuffer
	:	
Defendant.	:	

Defendant filed the Motion for Bill of Particulars (“Motion”)¹ seeking an order requiring the government to furnish a bill of particulars because, as the Defendant alleges, “the Indictment fails to fully inform and advise the Defendant in sufficient and necessary particularity and definiteness the specific conduct in which the Defendant is alleged to have engaged”² The government did not respond to the motion.

In conjunction with the aforementioned Motion, Defendant filed a Formal Request for Discovery³ in which Defendant requested “pursuant to Rule 16 of the Utah [sic] Rules of Criminal Procedure”⁴ a list of eight types of evidence encompassing “[a]ll police reports and investigations concerning the above-captioned case”⁵ to “[a] list of any and all witnesses intended to be called

¹ Motion for Bill of Particulars, [docket no. 32](#), filed September 11, 2017.

² *Id.* at 2.

³ Formal Request for Discovery, [docket no. 33](#), filed September 11, 2017.

⁴ *Id.* at ¶ 1

⁵ *Id.*

by the prosecution at the time of trial.”⁶ The Motion for Bill of Particulars⁷ and the Formal Request for Discovery⁸ comes after the government has already offered that

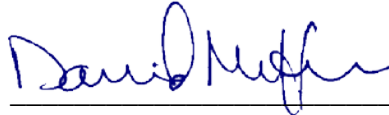
Throughout this case, the United States will provide material discoverable under Rules 16 and 26.2 of the Federal Rules of Criminal Procedure and the Jencks Act without requiring the defendant to make a specific request for such material. Upon the request of the defendant, the United States will permit and facilitate the defendant’s own inspection, copying or photographing of those items described/defined in Rule 16(a)(1)(E).⁹

Based upon the government’s acknowledgement of the continuing duty to make necessary (and unsolicited) disclosures and the Defendant’s formal request for that discovery, the Motion for Bill of Particulars¹⁰ appears to be entirely duplicative and unnecessary.

IT IS HEREBY ORDERED, that the Motion for Bill of Particulars¹¹ is DENIED.

Signed November 2, 2017.

BY THE COURT:



David Nuffer
United States District Judge

⁶ *Id.* at ¶ 8

⁷ Motion for Bill of Particulars, [docket no. 32](#), filed September 11, 2017.

⁸ Formal Request for Discovery, [docket no. 33](#), filed September 11, 2017.

⁹ Notification of Compliance and Request for Reciprocal Discovery at 2, [docket no. 21](#), filed August 14, 2017.

¹⁰ Motion for Bill of Particulars, [docket no. 32](#), filed September 11, 2017.

¹¹ *Id.*